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EXAMINER	
NELSON, FREDA ANN	
ART UNIT	**PAPER NUMBER**
3639	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/836,691	SOARES ET AL.	
	Examiner	Art Unit	
	Freda A. Nelson	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30 and 33-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30 and 33-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The amendment received on May 19, 2005 is acknowledged and entered. Claims 8-15, 19, 23-26, and 33 have been amended. Claims 31-32 have been canceled. No claims have been added. Claims 1-30 and 33-41 are currently pending.

Response to Amendment and Arguments

Applicant's arguments, filed May 19, 2005, with respect to 35 U.S.C. 112 rejections have been fully considered and are persuasive. The corresponding rejections of the previous office action have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference.

Claim rejection under 35 USC § 101 have been withdrawn in view of Precedential Decision by the Board of Patent Appeals and Interferences in case Ex parte Carl A. Lundgren (Appeal No. 2003-2088).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, the examiner is unable to determine what the applicant is claiming by the claim language "first and second estimated prices is shielded from said first and

second printers". If the printers provide a price list, how are they shielded from the price?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6-8, 12-13, 21, 23-25, 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Posner et al. (US PG Pub. 2003/0208434), in view of Sevcik et al. (Patent Number 6,330,542).

As for claims 1, 24-25, and 37, Posner et al. disclose system and method for processing and managing data corresponding to RFP's ("requests-for-proposals") (paragraph [0002]); (a purchaser terminal for entering request data which may include, the name and type of product desired, the unique specifications, scheduling terms, payment terms etc (paragraph [0008]; and proposal analysis module 116 is configured to receive and process proposals that are received from various vendors and, advantageously, to generate a proposal tabulation that identifies the vendor which is the most suitable to receive the order (paragraph [0024]; and processor 108 may also comprise a negotiation module 118, which is configured to enable the purchaser and vendor to communicate directly with each other via e-mail in order to negotiate the terms of the order (paragraph [0024]).

Posner et al. does not expressly disclose a method, using a computer system, for determining a price for a print job, comprising the steps of:

receiving, from a buyer, a set of specifications for said print job, wherein said set of specifications specifies at least a portion of a plurality of components into which a print process is divided, said portion thus specified being required to produce said print job;

calculating a first estimated price for said print job with respect to a first printer based on pricing information provided by said first printer for each of said components thus specified; and

calculating a second estimated price for said print job with respect to a second printer based on pricing information provided by said second printer for each of said

components thus specified; and

informing said buyer of at least a lower of said first and second estimated prices (col. 9, lines 40-42).

Sevcik et al teaches the system computes the quote using one of many various algorithms depending on the other specifications that were entered by the printing buyer (col. 3, lines 55-65); calculating a first estimated price for said print job with respect to a first printer based on pricing information provided by said first printer for each of said components thus specified (FIGS. 1A and FIGS. 4-5); calculating a second estimated price for said print job with respect to a second printer based on pricing information provided by said second printer for each of said components thus specified (col. 3, lines 55-62); and informing said buyer of at least a lower of said first and second estimated prices (col. 9, lines 40-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Posner et al. to include the feature of Sevcik et al. in order to provide an online system and method for analyzing vendor proposals in response to a RFP for printing jobs.

As for claims 2 and 35, Posner et al. disclose the step of storing, in said computer system, said negotiated set of specifications and said corresponding negotiated price (paragraph [0051]).

As for claim 3, Posner et al. disclose a method wherein said negotiated set of specifications is identical to said set of specifications received from said buyer and wherein said negotiated price is less than or equal to said lower of said first and second estimated prices (paragraph [0055]).

As for claims 4, 6, and 38 Posner et al. disclose a method as recited in claim 1, wherein said negotiated set of specifications is revised by said buyer after said buyer and said selected printer agree to said negotiated set of specifications and said corresponding negotiated price, said selected printer providing said buyer with an invoice price based on a revised set of specifications (paragraph [0052]).

As for claim 7, Posner et al. disclose that said invoice price is itemized as to each component in said revised set of specifications (paragraph [0051]).

As for claims 8, 36, and 39, Posner et al. disclose calculating a third estimated price with respect to said selected printer based on pricing information provided by said selected printer for each component in said revised set of specifications (paragraph [0054]); and

comparing said second and/or third estimated price to said invoice price of said print job to determine whether said invoice price complies with said pricing information provided
by said selected printer (paragraph [0055]).

As for claims 9-10 and 40-41, Posner et al. does not disclose a method as recited in claim 8, further comprising the step of penalizing said selected printer if said invoice price is substantially higher than said third estimated price; and penalizing said printer comprises the step of causing said printer to reimburse to said buyer at least a part of the difference between said invoice price and said third estimated price. However, it is old and well known in the business industry to penalize/punish sellers who use unfair pricing. Also, many department stores reimburse customers and/or give customers the item free if shelf prices don't match sale prices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Posner to include the feature of penalizing sellers for not complying to rules in order to maintain a reputable website.

As for claims 12-13 and 23, Posner et al. does not disclose a method, further comprising the steps of: receiving from said buyer an attribute desired by said buyer and selecting said first and second printers based on said attribute desired by said buyer. Sevcik et al. teach that the system searches database 63 at 66 to find all vendors that have indicated being able to supply that item in the specified turnaround time and finds the ones closest to the delivery zip code (col. 9, lines 26-39); then the system displays the vendor with the most competitive printing and freight cost (col. 9, lines 40-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Posner et al. to include the feature of Sevcik et al. in order to select printers based on specifications and attributes requested by the buyer.

As for claim 17, Posner et al. does not disclose a method as recited in Claim 1, wherein the steps of calculating said first and second estimated prices each comprises the steps of:

calculating a manufacturing component based on pricing information provided by respective ones of said first and second printers; and

calculating a raw material component based on paper requirements of said respective ones of said first and second printers. Sevcik et al. disclose that the system computes the cost of the paper supplied by the print provider in costs per one thousand sheets for all press time costs by using the print buyer selections and by computing the size, run length, and the waste factor for that particular press (col. 13, lines 9-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention Posner et al. to include the feature of Sevcik et al. in order to components necessary to complete a print job.

As for claim 19, Posner et al. does not disclose a method as recited in claim 17, further comprising the step of informing a paper vendor of said set of specifications and an amount and type of paper required to produce said print job so as to allow said paper vendor to contact said buyer to negotiate at least one of said amount of paper and said type of paper to arrive at said raw material component. Sevcik et al. disclose that the system computes the cost of the paper supplied by the print provider in costs per one

thousand sheets for all press time costs by using the print buyer selections and by computing the size, run length, and the waste factor for that particular press (col. 13, lines 9-13); the system computes the quote using one of many various algorithms depending on the other specifications that were entered by the printing buyer (col. 3, lines 55-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Posner et al. to include the feature of Sevcik et al. in order to provide an online system and method for analyzing vendor proposals in response to a RFP for printing components and printing jobs.

As for claim 20, Posner et al. does not disclose a method as recited in claim 19, further comprising the step of penalizing said paper vender if said paper vendor overcharges said buyer. However, it is old and well known in the business industry to penalize or punish sellers who use unfair pricing. Also, many department stores reimburse customers and/or give customers the item free if shelf prices don't match sale prices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Posner to include the feature of penalizing sellers for not complying to rules in order to maintain a reputable website.

As for claim 21, Posner et al. disclose system and method for processing and managing data corresponding to RFP's ("requests-for-proposals") (paragraph [0002]); (a purchaser terminal for entering request data which may include, the name and type of product desired, the unique specifications, scheduling terms, payment terms etc (paragraph [0008]; and Proposal analysis module 116 is configured to receive and process proposals that are received from various vendors and, advantageously, to generate a proposal tabulation that identifies the vendor which is the most suitable to receive the order (paragraph [0024]; and processor 108 may also comprise a negotiation module 118, which is configured to enable the purchaser and vendor to communicate directly with each other via e-mail in order to negotiate the terms of the order (paragraph [0024]).

Posner et al. does not expressly disclose a method, implemented on a computer system, for operating a print marketplace based on a pricing model, comprising the steps of:

receiving into said pricing model, pricing information for each component of a print process from each of first and second printers;

receiving, from a buyer, a set of specifications for said print job, desired by said buyer;

determining, from said pricing model, a first set of component prices based on said set of specifications and associated with said first printer;

calculating a first price estimate based on said first set of component prices;

determining, from said pricing model, a second set of component prices based on said set of specifications and associated with said second printer;

calculating a second price estimate based on said second set of component prices;

notifying said buyer of the lower of said first and second price estimates; and printers with said set of estimated prices (col. 9, lines 40-42).

Sevcik et al teaches the system computes the quote using one of many various algorithms depending on the other specifications that were entered by the printing buyer (col. 3, lines 55-65); calculating a first estimated price for said print job with respect to a first printer based on pricing information provided by said first printer for each of said components thus specified (FIGS. 1A and FIGS. 4-5); calculating a second estimated price for said print job with respect to a second printer based on pricing information provided by said second printer for each of said components thus specified (col. 3, lines 55-62); and informing said buyer of at least a lower of said first and second estimated prices (col. 9, lines 40-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Posner et al. to include the feature of Sevcik et al. in order to provide an online system and method for analyzing vendor proposals in response to a RFP for printing jobs.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Posner et al. (US PG Pub. 2003/0208434), in view of Sevcik et al. (Patent Number 6,330,542), in further view of Gindleperger (Patent Number 6,397,197).

As for claim 5, Posner et al. does not disclose a method as recited in claim 4, wherein said invoice price is provided to said buyer after completion of said print job. Gindlesperger teaches that an embodiment of the invention receives an invoice data from the winning print vendor upon completion of the job (col. 5, lines 53-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Posner et al. to include the feature of Gindleperger et al. in order to provide the buyer with a variety of payment options.

4. Claims 11, 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Posner et al. (US PG Pub. 2003/0208434), in view of Sevcik et al. (Patent Number 6,330,542), in further view of Huberman (Patent Number 6,078,906).

As for claims 11 and 22, Posner et al. does not disclose a method using a computer system, for determining a price for a print job, further comprising the step of receiving from said buyer a selection of said first and second printers. Huberman et al. disclose that the customer can be given the opportunity to select from among several possible winners (col. 4, lines 9-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of

Posner et al. to include the feature of Huberman et al. in order to provide the buyer the option of selecting the printer of choice.

As for claim 27, Posner et al. does not disclose a method as recited in Claim 26, wherein said first and second printers are contractually bound to provide pricing in accordance with said pricing model. Huberman disclose that for example, if the auction results establish a binding contract to be performed immediately, winning customer process 210a can automatically transmit a document or documents to winning supplier process 220a, which can automatically perform the document service or initiate or supervise its performance (col. 13, lines 20-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Posner et al. to include the feature of Huber man to provide users with rules in order to maintain a reputable website.

5. Claims 14-16, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Posner et al. (US PG Pub. 2003/0208434), in view of Sevcik et al. (Patent Number 6,330,542), in further view Anderson et al. (Patent Number 6,671,674).

As for claims 14-16, and 26, Posner et al. does not disclose a method using a computer system, for determining a price for a print job, further comprising the steps of:

receiving respectively from said first and second printers, information relating to at least one qualitative factor; and prequalifying said first and second printers to participate in the print supply marketplace based on said at least one qualitative factor. Anderson et al. disclose a method particularly advantageous for buyers and sellers of high cost items such as businesses, real estate and expensive luxuries, since the funds generated from both the high bidder and the share price or membership fees collected to prequalify all the bidders for the item can be used to pay the sellers asking price. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Posner et al. to include the feature of Anderson et al. to ensure sellers are qualified to sell goods or services.

As for claims 28-30, Sevcik et al. does not disclose a method, wherein the one of said first and second printers selected by said buyer to perform said print job purchases raw material used in said print job from a designated vendor; a price of said raw material is included in said first and second price estimates; and wherein raw material used in said print job is purchased from a vendor; and said buyer paying said designated vendor directly for said raw material. However, it is old and well known in the computer art to an well known in the printing industry that a printer purchases paper from paper vendors. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sevcik et al. to

include the feature of permitting a buyer to purchase paper from a paper vendor in order to complete a printing job.

As for claim 33, Posner et al. disclose system and method for processing and managing data corresponding to RFP's ("requests-for-proposals") (paragraph [0002]); (a purchaser terminal for entering request data which may include, the name and type of product desired, the unique specifications, scheduling terms, payment terms etc (paragraph [0008]; and Proposal analysis module 116 is configured to receive and process proposals that are received from various vendors and, advantageously, to generate a proposal tabulation that identifies the vendor which is the most suitable to receive the order (paragraph [0024]; and processor 108 may also comprise a negotiation module 118, which is configured to enable the purchaser and vendor to communicate directly with each other via e-mail in order to negotiate the terms of the order (paragraph [0024]).

Posner et al. does not disclose a method, using a computer system, for ensuring compliance with a pricing model, comprising the steps of:

receiving from a printer pricing information for a plurality of components of a printing process that said printer is capable of performing;

generating said pricing model based on said pricing information;

receiving from a buyer a first set of specifications for a print job;

estimating, based on said pricing model, a first price for said print job to be printed in accordance with said first set of specifications, wherein said first set of specifications may be modified by negotiation between said buyer and said printer to result in a second set of specifications, said print job thus being printed in accordance with said second set of specifications;

estimating, based on said pricing model, a second price in accordance with said second set of specifications;

receiving an invoice price charged for said print job; and

comparing said second price to said invoice price to determine whether said invoice price complies with said pricing model, said invoice price complying with said pricing model if said invoice price is not substantially higher than said second price.

Posner et al. does not further disclose penalizing a printer of said print job if said invoice price does not comply with said pricing model by causing said printer to reimburse to a buyer of said print job at least a part of the difference between said invoice price and said second price. However, it is old and well known in the business industry to penalize or punish sellers who use unfair pricing. Also, many department stores reimburse customers and/or give customers the item free if shelf prices don't match sale prices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Posner to include the feature of penalizing sellers for not complying to rules in order to maintain a reputable website.

Sevcik et al teaches the system computes the quote using one of many various algorithms depending on the other specifications that were entered by the printing buyer (col. 3, lines 55-65); calculating a first estimated price for said print job with respect to a

first printer based on pricing information provided by said first printer for each of said components thus specified (FIGS. 1A and FIGS. 4-5); calculating a second estimated price for said print job with respect to a second printer based on pricing information provided by said second printer for each of said components thus specified (col. 3, lines 55-62); and informing said buyer of at least a lower of said first and second estimated prices (col. 9, lines 40-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Posner et al. to include the feature of Sevcik et al. in order to provide an online system and method for analyzing vendor proposals in response to a RFP for printing jobs.

6. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik et al. (Patent Number 6,330,542) in view of Posner et al. (US PG Pub. 2003/0208434).

As for claim 34, Sevcik et al. an apparatus for estimating a price for a print job, comprising:

a computer system associated with a print supply marketplace (FIG. 1); and

a computer program, performed by said computer system, for receiving a set of specifications for said print job, calculating first and second estimated prices for said print job based on said set of specifications and pricing information provided by first and second printers, informing a buyer of said print job of at least a lower of said first and second estimated prices, and informing said first and second printers of said set of specifications and an identity of the buyer (abstract);

Sevcik et al. does not disclose that said buyer may select one of said first and second printers to perform said print job based on a negotiated set of specifications and a corresponding negotiated price col. 9, lines 40-42). Sevcik et al. do not further disclose wherein said first or second printer can contact said buyer to negotiate at least a portion of said set of specifications. Posner et al. disclose wherein said first or second printer can contact said buyer to negotiate at least a portion of said set of specifications

Huber man et al. disclose that the customer can be given the opportunity to select from among several possible winners (col. 4, lines 9-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Posner et al. to include the feature of Huber man et al. and Posner et al. in order to provide the buyer the option of selecting the printer of choice as well as negotiating a price for the service.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 11/14/05

Freda Nelson

DEAN T. NGUYEN
PRIMARY EXAMINER 11/14/05